IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5722 OF 2004

ALONGWITH

CRIMINAL APPLICATION NO. 5723 OF 2004

ALONGWITH

CRIMINAL APPLICATION NO. 5724 OF 2004

Arun A. Trivedi ...Applicant

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Arun Trivedi i/b M/s. Prakash & Co. Advocate for Applicant.

Mr. Sanjog Parab, Advocate for Respondent No.2.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED:29TH JUNE, 2005

P. C.:-

1. Not on board. Taken on board as the connected matters i.e. Criminal Application Nos. 4870 to 4872 of 2004 are on board.

2. Heard both sides.

3. The applicant has prayed for quashing of process issued against him in Criminal Case No. 911/S/2002,

912/S/2002 and 1072/S/2002 which are pending in the Court of learned Additional Metropolitan Magistrate, 7th Court, Dadar, Mumbai. In the said cases, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

4. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of three weeks from today. In view of the facts and circumstances of this case, the proceedings before the trial Court are stayed for a period of three weeks from today. The learned advocate for the respondent i.e. original complainant states that no objection would be raised in respect of limitation in filing revision.

6. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Criminal applications are disposed of.

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